

Serial No.: 10/087,611
Confirmation No.: 7955
Applicants: Robert E. Baker et al.
Atty. Ref.: 11564.0050.NPUS01

REMARKS IN RESPONSE TO THE OFFICE ACTION:

In a Final Office Action dated January 15, 2004, the Examiner rejected claims 1, 2, 4–15, and 17–21. Additionally, the Examiner objected to Claims 3 and 16 as being dependent on rejected claims. Support for the above amendments to claims 1 and 14 can be found at least in figures 2–3 of the original specification as filed. Applicants respectfully submit that the claims as amended are clearly distinct and patentable over the art of record, and therefore respectfully request that the Examiner withdraw the current rejections and allow the claims.

REJECTIONS UNDER 35 U.S.C. § 102

Claims 1, 4, 6–12, 14, 17, and 19–21 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 2,480,568 (“Garvin”). Applicants respectfully traverse this rejection because amended claims 1 and 14 contain limitations not disclosed, taught or suggested by Garvin. Specifically, claim 1 requires attaching a circuit breaker panelboard to a plurality of structural members that form an exterior surface of a remote distribution cabinet. Likewise, claim 14 requires means for incorporating a panelboard into a frame structure that forms a portion of an exterior surface of a remote distribution cabinet. Garvin does not disclose attaching or incorporating a panelboard to such structural members. Instead, Garvin discloses attaching a panelboard to an interior support member. Applicants therefore request that the Examiner reconsider and withdraw the § 102(b) rejection of claims 1 and 14 over Garvin.

Claims 4 and 6–12 depend from claim 1 and necessarily incorporate each limitation therein. Therefore, claims 4 and 6–12 are allowable for at least the same reason as independent claim 1. Applicants therefore respectfully request that the Examiner also reconsider and withdraw the rejection of claims 4 and 6–12.

Claims 17 and 19–21 depend from claim 14 and necessarily incorporate each limitation therein. Therefore, claims 17 and 19–21 are allowable for at least the same reason as independent claim 14. Applicants therefore respectfully request that the Examiner also reconsider and withdraw the rejection of claims 17 and 19–21.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 5, 13, and 18 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Garvin in view of U.S. Patent No. 5,202,538 (“Skirpan”). Claims 5 and 13 depend from claim 1 and necessarily incorporate each limitation therein. Likewise, claim 18 depends from claim 14 and necessarily incorporates each limitation therein. As discussed above, Garvin does not disclose attaching or incorporating a panelboard to structural members that form an exterior surface of a remote distribution cabinet; and Skirpan does not disclose this limitation either. Therefore, claims 5, 13, and 18 are allowable for at least the same reasons as independent claims 1 and 14. Applicants therefore respectfully request that the Examiner reconsider and withdraw the § 103(a) rejection of claims 5, 13, and 18.

Claims 2 and 15 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Garvin in view of U.S. Patent No. 4,296,574 (“Stephens”). Claims 2 and 15 depend from independent claims 1 and 14 and incorporate each limitation therein. As discussed above, Garvin does not disclose attaching or incorporating a panelboard to structural members that form an exterior surface of a remote distribution cabinet; and Stephens does not disclose this limitation either. Therefore, claims 2 and 15 are allowable for at least the same reasons as independent claims 1 and 14. Applicants therefore respectfully request that the Examiner reconsider and withdraw the § 103(a) rejection of claims 2 and 15.

ALLOWABLE SUBJECT MATTER

The Examiner indicated that claims 3 and 16 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants appreciate the Examiner’s acknowledgement of allowable subject matter. However, the Examiner objected to claims 3 and 16 as being dependent upon the rejected base claims. Claim 3 ultimately depends from claim 1, and claim 16 ultimately depends from claim 14. Both claims 1 and 14 have been amended and are allowable for the reasons set forth above. Thus, claims 3 and 16 are also in condition for allowance as presented. Applicants therefore respectfully request that the Examiner reconsider and withdraw the objection to claims 3 and 16.

Serial No.: 10/087,611

Confirmation No.: 7955

Applicants: Robert E. Baker et al.

Atty. Ref.: 11564.0050.NPUS01

Applicants invite the Examiner to contact the undersigned attorney by telephone or e-mail to discuss any remaining issues concerning the present application.

Respectfully submitted,

Date: March 5, 2004

By Ira D. Finkelstein

Ira D. Finkelstein

Reg. No. 44,680

HOWREY SIMON ARNOLD & WHITE, LLP

750 Bering Drive

Houston, Texas 77057-2198

Telephone: (713) 787-1631

Facsimile: (713) 787-1440

Attorney for Assignee Liebert Corporation